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Court hears arguments to lift suspension of Clayton County sheriff

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Federal judge hears arguments from Clayton County Sheriff Victor Hill's attorneys

Victor Hill's legal team said his suspension is unconstitutional and politically motivated. They made their case in a federal courthouse Monday, but there was no ruling.

ATLANTA - A federal magistrate judge heard arguments on [Clayton County Sheriff Victor Hill's](#) motion to have charges accusing him of civil rights abuses tossed out.

In April, a [federal grand jury indicted Hill](#) on several charges related to civil rights abuses against detainees at the Clayton County Jail. Gov. Brian Kemp [suspended Hill](#) in an executive order in June pending the outcome of his federal case. Kemp's order was based on the recommendation of a committee that reviewed Hill's indictment. The committee included Burke County Sheriff Alfonzo Williams, Cherokee County Sheriff Frank Reynolds and Georgia Attorney General Chris Carr.

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Attorneys argued the case against Hill is unconstitutional, saying the move by federal prosecutors is politically motivated.

"But for the fact that this case involved Victor Hill, there would be no case," Drew Findling said.

"Never in the history of this country has the Department of Justice ever prosecuted anyone for conduct even remotely similar to what Victor Hill is being prosecuted for," attorney Lynsey Barron said.

Hill was in the courtroom but did not speak when leaving the courthouse. The federal judge did not make a decision in court and did not provide a timeline on a potential ruling.

Attorneys for suspended Clayton County Sheriff Victor Hill released a letter sent to Kemp in September [requesting his immediate reinstatement](#), citing Georgia law. Attorneys said Hill's suspension should be over because a time limit provision expired.

Clayton County Sheriff Victor Hill enters not guilty plea

Suspended Sheriff Victor Hill waived his court appearance, but his defense team entered a not guilty plea Thursday on the new count in the federal indictment.

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[Hill's suspension was made effective on June 2](#) based on the recommendation of a panel appointed by the governor. Hill's attorneys cited Georgia Code [45-5-6 \(d\)](#), which they say supports their demand he should be reinstated.

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"Since the suspension of Sheriff Victor Hill occurred on June 2nd 2021, hence triggering the code section time clock for the Public Official whose suspension would have ended on September 2nd, 2021, Sheriff Hill should have been reinstated back into office on September 3rd, 2021," the letter said, in part. "Because the continuation of this suspension is not supported by law, and his "suspension" has now expired in excess of twenty-seven (27) days, the only statutory remedy is to reinstate the Sheriff immediately."

In the indictment, Hill is accused of ordering deputies to strap detainees in restraint chairs for hours inside the Clayton County Jail.

Kurt R. Erskine, acting U.S. Attorney for the Northern District of Georgia, said Hill deprived the detainees of due process because the force was so excessive it amounted to punishment. Erskine said each charge carries a maximum sentence of 10 years in prison if it is found beyond a reasonable doubt that the use of force caused pain and bodily injury.

Hill [pleaded not guilty in federal court](#). His legal team has argued that [Hill's rights have been violated](#) by the government's handling of his indictment and suspension.

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